

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

June 14, 2005

DIVISION ONE

6-14-05

127144-05

The HONORABLE STEVEN C. SUZUKAWA, Judge of the Superior Court of California, County of Los Angeles, is hereby assigned to assist the Court of Appeal, Second Appellate District, Division One, as a justice thereof, on the following dates:

June 20, 2005 to June 30, 2005

and until completion and disposition of all causes and matters submitted pursuant to this assignment including, if necessary by reason of a vacancy or disqualification of a Court of Appeal justice, all petitions for rehearing arising out of such causes and matters.

This assignment does not extend to any matter in which the panel would be composed of two justices pro tempore.

Dated: June 13, 2005

Ronald M. George
Chief Justice of California and
Chairperson of the Judicial Council

B172821 Paller et al.
 v.
 Garcia

The order of submission having been filed through inadvertence on June 1, 2005 is vacated, and the case is submitted nunc pro tunc as of May 27, 2005.

DIVISION ONE (Continued)

B182187 Center for Surrogate Parenting (Not for Publication)
 & Egg Donation, Inc.
 v.
 Superior Court, Los Angeles County
 (Sara Gerber, r.p.i.)

THEREFORE, let a peremptory writ issue, commanding respondent superior court to vacate its order of March 17, 2005, requiring the Center to produce financial discovery to plaintiff pursuant to Civil Code section 3295, and to conduct a new hearing pursuant to the standard enunciated in *Jabro v. Superior Court* (2002) 95 Cal.App.4th 754, in Los Angeles Superior Court case No.BC298444, entitled Sara Gerber v. Center for Surrogate Parenting & Egg Donation, Inc.

The temporary stay order is hereby vacated.

All parties shall bear their own costs.

Spencer, P.J.

We concur: Vogel (Miriam A.), J.
 Mallano, J.

B176151 L.B. Research & Education Foundation (Certified for Publication)
 v.
 The UCLA Foundation et al.

The judgment is reversed and the cause is remanded to the trial court with direction to vacate its order granting the motion for judgment on the pleadings, enter a new order denying the motion, and place the case back on track for trial. L.B. Research is entitled to its costs of appeal.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
 Rothschild, J.

DIVISION ONE (Continued)

B176673 Gina Tervalon (Not for Publication)
 v.
 Andrew Adelman et al.

The judgment is affirmed. Adelman and the City are awarded their costs of appeal.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
 Rothschild, J.

B176832 Mehrdad Saghian et al. (Not for Publication)
 v.
 Liza Minnelli Gest

The judgment is affirmed. Saghian is awarded his costs of appeal.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
 Rothschild, J.

B176109 People (Not for Publication)
 v.
 Amanda B.

The order is affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
 Rothschild, J.

DIVISION ONE (Continued)

B176371 People (Not for Publication)
v.
Reginald P. Artiaga

The judgment is affirmed.

Vogel (Miriam A.), J.

I concur: Rothschild, J.
I concur: Spencer, P.J. (Opinion)

B175560 People (Not for Publication)
v.
Jose Osvaldo Arteaga

The judgment is modified to award Arteaga presentence conduct credits at the rate of 15 percent of the actual 577 days he served and, as modified, affirmed and remanded to the trial court with directions to calculate the appropriate number of credits, issue a corrected abstract of judgment, and forward it to the Department of Corrections.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Rothschild, J.

June 14, 2005 (Continued)

DIVISION TWO

6-14-05

127145-05

The HONORABLE STEVEN C. SUZUKAWA, Judge of the Superior Court of California, County of Los Angeles, is hereby assigned to assist the Court of Appeal, Second Appellate District, **Division TWO**, as a justice thereof, on the following dates:

July 1, 2005 to July 31, 2005

and until completion and disposition of all causes and matters submitted pursuant to this assignment including, if necessary by reason of a vacancy or disqualification of a Court of Appeal justice, all petitions for rehearing arising out of such causes and matters.

This assignment does not extend to any matter in which the panel would be composed of two justices pro tempore.

Dated: June 13, 2005

Ronald M. George
Chief Justice of California and
Chairperson of the Judicial Council

DIVISION THREE

Court convened at 9:30 a.m.

Present: Klein, P.J., Croskey, J., Kitching, J., Aldrich, J. and Valorie Gray, Deputy Clerk.

Each of the following:

B173242	People v. Estrada
B172488	People v. Garcia
B175279	People v. Villalobos, et al.
B179306	People v. Cruz
B175688	People v. Cruz
B177997	People v. Cortez

Argument waived, cause submitted.

DIVISION THREE (Continued)

B174847 Martin
 v.
 Snapple Beverage Corporation

Merits:
Argued by Gerald Hawxhurst for appellant and by Robert K. Friedl for respondent. Cause submitted.

B175061 Nemanpour
 v.
 Kim

Merits:
Argued by Perry Roshan-Zamir for respondent. No appearance by the appellant. Cause submitted.

B174036 Doheny Park Terrace Homeowners Association, Inc.
 v.
 Truck Insurance Exchange

Merits:
Argued by Bernie Bernheim for appellant and by Lisa Jaskol for respondent. Cause submitted.

B156420 Walker
 v.
 L.A. County Metropolitan Transportation Authority, et al.

Merits:
Argued by Richard L. Knickerbocker for appellant and by Paul Beach for respondents. Cause submitted.

DIVISION THREE (Continued)

B161508 Godinez, et al.
 v.
 Gray Davis, as Govenor, et al.

Merits:
Argued by Geoffrey L. Graybill, deputy attorney general for appellants and
by Robin Meadow for respondents Submission deferred.

B171943 Getzels, et al.
 v.
 Fine, et al.

Merits:
Argued by Franklin R. Fraley, Jr. for appellants and by Garth D. Goldberg
and Morris S. Getzels, in propria persona for respondents. Cause
submitted.

Court recessed at 1:03 p.m.

Court reconvened at 2:00 p.m.

Present: Klein, P.J., Croskey, J., Kitching, J., Aldrich, J. and Valorie Gray, Deputy
Clerk.

Each of the following:

B177081 Evans v. Hamilton Way Trust

Argument waived, cause submitted.

B172912 Sturman
 v.
 Koch-Oshita

Argued by Robert M. Victor for appellant and by Patricia Koch-Oshita, in
propria persona for respondent. Cause submitted.

DIVISION THREE (Continued)

B174608 Caldwell
 v.
 Hong

Merits:
Argued by Irving Meyer for appellant and by Ronald Zurek for respondent.
Cause submitted.

B168279 Manukyan, et al.
 v.
 Karny, et al.

Merits:
Argued by Michael P. Rubin for appellants and by Toni Bruno for
respondents. Cause submitted.

B172236 Kersch
 v.
 Gehr

Merits:
Argued by Thomas M. Hall for appellant and by Daniel Jaffe for
respondent. Cause submitted.

B173899 Alexander, et al.
 v.
 City of Los Angeles

Merits:
Argued by Vivienne A. Swanigan, deputy city attorney for appellant and by
Manuel S. Klausner for respondents. Cause submitted.

Court adjourned.

DIVISION FOUR

B176503 Communications Relay Corporation, et al.
 v.
 County of Los Angeles

Filed order modifying opinion (No change in the judgment) and certifying opinion for publication.

DIVISION FIVE

B179385 Craig E. Caldwell (Not for Publication)
 v.
 Edward M. Ross, as Successor Trustee

The judgment is affirmed. Retired Judge Edward M. Ross, as successor trustee of the Caldwell Living Trust is awarded costs on appeal from Craig E. Caldwell.

Turner, P.J.

We concur: Armstrong, J.
 Kriegler, J.

B167731 Marcus Prajogi et al. (Not for Publication)
 v.
 Mark Udem et al.

The judgment is affirmed. Plaintiffs, Markus Prajogi, Pacific Vertex Corporation, and Vertex Investment Corporation, are to recover their costs on appeal, jointly and severally, from defendants, Juli Udem and Mark Udem.

Turner, P.J.

We concur: Armstrong, J.
 Mosk, J.

June 14, 2005 (Continued)

DIVISION SIX

B179432 People (Not for Publication)
v.
Castillo

The judgment is affirmed.

Gilbert, P.J.

We concur: Coffee, J.
Perren, J.

DIVISION SEVEN

B173376 Grundfest (Not for Publication)
v.
Cedars Sinai Medical Center

The judgment is reversed. The matter is remanded to the trial court to enter orders granting summary adjudication of the break of contract, wrongful termination in violation of public policy, and breach of fiduciary duty causes of action and for further proceedings consistent with this opinion. The parties are to bear their own costs on appeal.

Zelon, J.

We concur: Perluss, P.J.
Woods, J.

B181824 Marlena V., (Not for Publication)
v.
Superior Court, Los Angeles County
(L.A. County Dept. of Children and Family Services et al., r.p.i.)

Petition denied by opinion.

Woods, J.

We concur: Perluss, P.J.
Johnson, J.

June 14, 2005 (Continued)

DIVISION SEVEN (Continued)

B177688 People (Not for Publication)
v.
Rivera

The judgment is affirmed.

Woods, J.

We concur: Johnson, Acting P.J.
 Zelon, J.

B171051 People (Certified for Partial Publication)
v.
Vega and Vega

With respect to defendant Felizardo Vega the sentence on count two (conspiracy to possess cocaine) is reversed and the laboratory analysis fee and related penalty assessments are stricken. The cause is remanded to the trial court with directions to lift the stay of sentence on count one and to amend the abstract of judgment to reflect the middle term sentence on that count. In all other respects the judgment is affirmed.

With respect to defendant Jose Vega the sentence on count two (conspiracy to possess cocaine) is reversed and the laboratory analysis fee and related penalty assessments are stricken. The cause is remanded to the trial court with directions to lift the stay on the sentence for count one. In all other respects the judgment is affirmed.

Johnson, J.

We concur: Perluss, P.J.
Woods, J.

B172081 Gordon
v.
Mermel

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)